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Counsel for Defendant
CLOVER NETWORK, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DIGITAL VERIFICATION SYSTEMS, LLC

Plaintiff,

v.

CLOVER NETWORK, INC.

Defendant.

Case No. 3:17-cv-06982-JST

**NOTICE OF SETTLEMENT AND
MOTION TO STAY PROCEEDINGS**

Hon. Jon S. Tigar

Defendant Clover Network, Inc. (“Clover”), by and through its counsel, hereby notifies the Court that Clover and Plaintiff Digital Verification Systems, LLC (“DVS”) (together, the “Parties”), have reached an agreement in principle to settle this case. Clover therefore moves, pursuant to Local Rule 6-3, to stay all deadlines in this case for forty-five (45) days to allow the parties to finalize the settlement.

This case was originally filed in the Eastern District of Texas on February 24, 2017. (Dkt. 1.) On November 7, 2017, the case was transferred to the Northern District of California. (Dkt. 17.) Matthew P. Harper filed the complaint on behalf of DVS in the Eastern District of Texas and negotiated settlement on behalf of DVS with counsel for Clover, but has represented that he is not admitted in the Northern District of California and that DVS has not yet retained counsel admitted in the Northern District of California. (*See* Exhibit 1, Declaration of Jason F. Choy (“Choy Decl.”) ¶ 3.) Because DVS has not yet retained counsel admitted in this Court, the Parties are unable to file a joint stipulation pursuant to Local Rule 6-2. (*Id.* ¶ 4.) (*See* Local R. 3-9(b) (“A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court”).) Nonetheless, Mr. Harper has agreed that the case should be stayed while the parties finalize their settlement agreement. (Choy Decl. ¶ 4.)

Clover therefore respectfully requests that the Court stay the deadlines set by the December 7, 2017 Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. No. 19) and the Clerk’s Notice Setting Case Management Conference (Dkt. 27) for forty-five (45) days to allow the parties to finalize their settlement agreement. Specifically, Clover requests that the Court stay the following deadlines:

- (a) the February 14, 2018 deadline to conduct the Federal Rule 26(f) and ADR L.R. 3-5 meet and confer;
- (b) the February 14, 2018 deadline to file an ADR Certification and either a Stipulation to ADR Processor or Notice of Need for ADR Phone Conference;
- (c) the February 26, 2018 and February 28, 2018 deadlines to file the Rule 26(f) Report, complete initial disclosures, and file a Case Management Statement per Standing Order re Contents of Joint Case Management Statement; and

(d) the March 7, 2018 Initial Case Management Conference.

For the foregoing reasons, Clover respectfully requests that the Court grant its motion to stay, and extend the existing deadlines in the case by (45) days to allow the Parties to finalize their settlement.

Dated: February 14, 2018

Respectfully submitted,

/s/ Jason F. Choy

David C. Marcus (SBN 158704)

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Counsel for Defendant

CLOVER NETWORK, INC.

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2018, I electronically filed the above document with the Clerk of Court using CM/ECF, per Civil L.R. 5-1, which will send electronic notification of such filing to all registered counsel.

I further certify that on February 14, 2018, I sent by electronic mail a copy of the as-filed document to Digital Verification Systems, LLC's counsel of record, Matthew P. Harper, at mharper@harperip.net.

By: /s/ Jason F. Choy

[PROPOSED] ORDER

Pursuant to the foregoing Notice of Settlement and Motion to Stay Proceedings, **IT IS SO ORDERED** that the deadlines set in the Court's December 7, 2017 Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. 19) and the Clerk's Notice Setting Case Management Conference (Dkt. 27) are **STAYED** for forty-five (45) days.

Dated: _____

Honorable Jon S. Tigar,
United States District Judge